

Michelle M. Mitchell

From: Xavier Becerra
Sent: Monday, January 28, 2019 12:15 PM
To: All DOJ
Subject: DOJ Appointments

Dear Colleagues,

It is my pleasure to announce the following two appointments:

Philip “Phil” Ferrari, as Special Assistant to the Attorney General. Phil will advise me and the Chief Deputy on white collar crime and criminal justice matters.

For nearly two decades, Phil has worked as a federal prosecutor with the United States Attorney’s Office for the Eastern District of California, most recently as the Chief of the Criminal Division. He has a wealth of experience and a deep interest in our criminal justice system. At the U.S. Attorney’s Office, he handled a wide variety of federal criminal prosecutions with a focus on white-collar crime, including investment fraud, mortgage fraud and health care fraud. He has extensive trial experience and has made multiple appearances in the Ninth Circuit. As Chief of the Criminal Division for the U.S. Attorney’s Office, he had supervision responsibilities over all prosecutions in the Eastern District, and he directly supervised the District’s National Security Unit, as well as the Criminal Division unit chiefs in Sacramento and the Victim-Witness Unit. From 2016 to 2017, he served as the First Assistant U.S. Attorney, second in command to the U.S. Attorney and assisted in the management and direction of more than 170 attorneys and support staff. Before joining the U.S. Attorney’s Office, Phil served in private practice at McCutchen, Doyle, Brown & Enersen (now Morgan, Lewis & Bockius) as part of their commercial litigation group, and he clerked for the Honorable Phyllis J. Hamilton at the United States District Court for the Northern District of California.

Phil graduated *cum laude* from the University of California Hastings School of Law with a Juris Doctor and a bachelor’s in English from the University of California, Los Angeles. In Phil’s spare time, he has served as a Big Brother for Big Brothers/Big Sisters of Sacramento, coached youth soccer and baseball, developed a mentor program for students from Luther Burbank High School, and helped to establish Operation Protect and Defend, a civics education program focusing on Constitutional rights, at high schools in the Fresno area.

Joe Adkins, as Director of the Technology Support Bureau (TSB) within the California Justice Information Services Division.

Joe brings over 20 years of information technology (IT) experience, including over six years as TSB’s Assistant Director assisting CJIS leadership with strategic planning and management of IT solutions. Most recently Joe led the Production and Network Services Branch overseeing a team of engineers who handled several large scale implementations for internal and external clients. He has been instrumental in ensuring the delivery of services and information through cost-effective, innovative, reliable and secure technology.

Prior to joining DOJ, Joe worked at several other state agencies such as the Office of Technology Service, the Employment Development Department, and the Department of Motor Vehicles, working his way up through the ranks into upper management. Joe has a proven record as an innovative leader, delivering complex IT

projects, and providing exceptional customer service. Joe also served in the United States Air Force, for which we are thankful for his service.

Please join me in congratulating Phil and Joe on their recent appointments.

Xavier

Michelle M. Mitchell

From: PublicRecords
Sent: Tuesday, January 29, 2019 2:30 PM
To: lewis@investigativestudios.org
Subject: Notice of Inadvertent Release of Department of Justice Confidential Information and Request for Destruction of Information
Attachments: Lewis, Robert Notice of Inadvertent Release 01.29.19.pdf
Importance: High
ProfiledItem: true

Dear Mr. Lewis,

Attached please find a notice of inadvertent release of Department of Justice confidential information and request for destruction of information. The original letter will follow by mail.

Public Records Coordinator
California Department of Justice
Office of the Attorney General
916.210.6183

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-6044
Facsimile: (916) 324-8835
E-Mail: MichelleM.Mitchell@doj.ca.gov

January 29, 2019

Robert Lewis
Investigative Studios
with the UC Berkeley Investigative Reporting Program
2481 Hearst Ave.
Berkeley, CA 94709
lewis@investigativestudios.org

Via Email & U.S. Mail

RE: Notice of Inadvertent Release of Department of Justice Confidential Information and
Request for Destruction of Information

Dear Mr. Lewis:

It has recently come to the attention of the California Department of Justice that you were inadvertently provided a copy of confidential state summary criminal history information in response to the request for public records you submitted to the Commission on Post Officer Standards and Training. The spreadsheet documents you were provided were extracted directly from the Automated Criminal History System, a confidential law enforcement database maintained by the Department of Justice from which access to information is restricted by law. (Pen. Code, §§ 11105 et seq.) The spreadsheets contain thousands of entries of information regarding civilians as well as current and former peace officers that should not have been disclosed to anyone not authorized by statute to receive it. (Pen. Code, § 11143.) Although the Commission on POST is authorized to receive this information from the Department, you are not. Therefore, the records inadvertently produced are exempt from disclosure under the California Public Records Act. (Gov. Code, § 6254, subd. (k).)

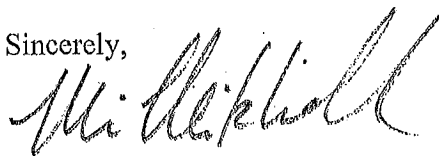
The Department hereby formally requests that you immediately permanently destroy the spreadsheet you were provided, do not disseminate the spreadsheet (or any information therefrom), and provide verification that all copies in hard copy, email, thumb drives, hard drives, and servers have also been destroyed. You are hereby on notice that the unauthorized receipt *or possession* of a record from the Department's ACHS or information obtained from such a record is a misdemeanor. (Pen. Code, § 11143.)

Robert Lewis
January 29, 2019
Page 2

If you do not intend to comply with our request, the Department can take legal action to ensure that the spreadsheets are properly deleted and not disseminated. The California Supreme Court has ordered return of documents inadvertently disclosed under the California Public Records Act. (See *Ardon v. City of Los Angeles* (2106) 62 Cal.4th 1176.)

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Mitchell", written in a cursive style.

MICHELLE M. MITCHELL
Deputy Attorney General

For: XAVIER BECERRA
Attorney General

MMM:

Michelle M. Mitchell

From: PublicRecords
Sent: Tuesday, January 29, 2019 2:34 PM
To: Paladino.jason@gmail.com; Paladino.jason@protonmail.com
Subject: Notice of Inadvertent Release of Department of Justice Confidential Information and Request for Destruction of Information
Attachments: Paladino, Jason Notice of Inadvertent Release 01.29.19.pdf
Importance: High

Dear Mr. Paladino,

Attached please find a notice of inadvertent release of Department of Justice confidential information and request for destruction of information.

Public Records Coordinator
California Department of Justice
Office of the Attorney General
916.210.6183



XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE

1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-6044
Facsimile: (916) 324-8835
E-Mail: MichelleM.Mitchell@doj.ca.gov

January 29, 2019

Jason Paladino
Reporter
UC Berkeley Investigative Reporting Program
Paladino.jason@protonmail.com
Paladino.jason@gmail.com

Via Email

RE: Notice of Inadvertent Release of Department of Justice Confidential Information and
Request for Destruction of Information

Dear Mr. Paladino:

It has recently come to the attention of the California Department of Justice that you were inadvertently provided a copy of confidential state summary criminal history information in response to the request for public records you submitted to the Commission on Post Officer Standards and Training. The spreadsheet documents you were provided were extracted directly from the Automated Criminal History System, a confidential law enforcement database maintained by the Department of Justice from which access to information is restricted by law. (Pen. Code, §§ 11105 et seq.) The spreadsheets contain thousands of entries of information regarding civilians as well as current and former peace officers that should not have been disclosed to anyone not authorized by statute to receive it. (Pen. Code, § 11143.) Although the Commission on POST is authorized to receive this information from the Department, you are not. Therefore, the records inadvertently produced by the Commission on POST are exempt from disclosure under the California Public Records Act. (Gov. Code, § 6254, subd. (k).)

The Department hereby formally requests that you immediately permanently destroy the spreadsheets you were provided, do not disseminate the spreadsheets (or any information therefrom), and provide verification that all copies in hard copy, email, thumb drives, hard drives, and servers have also been destroyed. You are hereby on notice that the unauthorized receipt *or possession* of a record from the Department's ACHS or information obtained from such a record is a misdemeanor. (Pen. Code, § 11143.)

Jason Paladino
January 29, 2019
Page 2

If you do not intend to comply with our request, the Department can take legal action to ensure that the spreadsheets are properly deleted and not disseminated. The California Supreme Court has ordered return of documents inadvertently disclosed under the California Public Records Act. (See *Ardon v. City of Los Angeles* (2106) 62 Cal.4th 1176.)

Thank you for your courtesy and cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michelle M. Mitchell", with a stylized flourish at the end.

MICHELLE M. MITCHELL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

MMM:

Michelle M. Mitchell

From: Sandy Giminez <SGiminez@keker.com>
Sent: Wednesday, February 13, 2019 4:03 PM
To: Manny.Alvarez@post.ca.gov; Michelle M. Mitchell
Cc: Brian Ferrall; Nic Marais; maria.shanle@ucop.edu; jconner@berkeley.edu
Subject: Investigative Studios' Public Records Act Request
Attachments: 02 13 2019 Letter from Nic Marais.pdf

ProfiledItem: true

Attached please find Mr. Marais' letter to you regarding the above-referenced matter. Please note that a copy is also being sent to you via U.S. Mail.

If you are unable to open the attachment, please contact me.

Thank you,

Sandy Giminez
Legal Secretary
Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111
415-676-2221

**KEKER
VAN NEST
& PETERS**

Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111-1809
415 391 5400
keker.com

Nic Marais
(415) 773-6614
nmarais@keker.com

February 13, 2019

VIA EMAIL AND U.S. MAIL

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer
Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Manny.Alvarez@post.ca.gov

Michelle M. Mitchell
Deputy Attorney General
State of California
Department of Justice
1300 I Street, Suite 125
Sacramento, CA 94244-2550
MichelleM.Mitchell@doj.ca.gov

Re: *Investigative Studios' Public Records Act Request*

Dear Mr. Alvarez and Ms. Mitchell:

We represent Robert Lewis and Investigative Studios.

On December 6, 2018, Mr. Lewis submitted a California Public Records Act request to the Commissioner on Peace Officer Standards and Training ("POST"). Over the next four weeks, POST repeatedly told Mr. Lewis that it was "processing" his request and actively "compil[ing] all of the responsive documents." On January 8, 2019—having reviewed and considered Mr. Lewis's PRA request at length—POST's Strategic Communications & Research Bureau produced "the January 2019 and Ten Year Felony Indicator reports ... for [his] review." Three weeks after that, it appears that your offices had a change of heart, suddenly asserting that (1) it had "recently" come to your attention that POST "inadvertently provided" confidential summary records to Investigative Studios; (2) you believed those records were "exempt from disclosure" under subdivision (k) of Government Code Section 6254; and (3) by merely receiving those records, Mr. Lewis was guilty of a misdemeanor under Penal Code Section 11143. Each of those assertions is false.

First, there is no reason to believe that POST's production of these records was inadvertent. It spent four weeks weighing Mr. Lewis's request. When it responded, it intentionally included the records you now seek to claw back, noting in its cover email that it had attached "the January 2019 and Ten Year Felony Indicator reports ... for your review." As the California Supreme Court explained in *Ardon*, that there are modest protections for "the inadvertent release of exempt documents must not be construed as an invitation for agencies to recast, at their option, any past disclosures as inadvertent so that a privilege can be reasserted subsequently. This holding applies to truly inadvertent disclosures and must not be abused to permit the type

Manuel Alvarez, Jr.
Michelle M. Mitchell
February 13, 2019
Page 2

VIA EMAIL AND U.S. MAIL

of selective disclosure section 6254.5 prohibits.” *Ardon v. City of Los Angeles*, 62 Cal. 4th 1176, 1190 (2016). Or, as the Attorney General himself put it last week, “[o]nce you disclose a document,” even if “confidential and private, you can’t take it back.” See Ted Goldberg, *Cities Cite State AG Letter to Stall Release of Police Misconduct Files*, KQED (Feb. 7, 2019).

Second, in addition to requiring that inadvertent disclosure be “truly inadvertent,” *Ardon*—like Section 6254(k)—contemplates a disclosure exemption limited to *privileged* material. *Ardon*, 62 Cal. 4th at 1186 (“[C]onstruing section 6254.5 so as not to include inadvertent disclosures of attorney-client or work product material is consistent with the way in which the attorney-client and work product privileges have been construed.”); see also *Los Angeles Cty. Bd. of Supervisors v. Superior Court*, 2 Cal. 5th 282, 291 (2016) (“Section 6254(k) ... allows agencies to withhold ‘[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to *privilege*.’” By ‘its reference to the privileges contained in the Evidence Code,’ section 6254(k) ‘has made the attorney-client privilege applicable to public records.’”). The documents that POST disclosed appear to comprise summaries of public records, so we do not see how they could be attorney-client privileged or otherwise subject to the attorney work-product doctrine—nor do you seem to claim otherwise. As such, neither section 6254(k) nor *Ardon* applies here.

Third, your threat that Mr. Lewis’s mere receipt of information that you sent him constitutes a misdemeanor is both false and troubling. By its own terms, California Penal Code Section 11143 specifically does not apply to any “publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed...” See Cal. Penal Code § 11143; Cal Evid. Code § 1070. As you know, Mr. Lewis is a reporter. In his original PRA request, he made clear that he was writing as “a reporter” and submitting his request “in the routine course of newsgathering.” He is employed by Investigative Studios, an investigative reporting and production company affiliated with the University of California, Berkeley Graduate School of Journalism. To the extent Penal Code Section 11143 might otherwise apply in these circumstances—which is by no means clear, given that POST voluntarily handed these records over—it certainly does not apply to Mr. Lewis. Cf. *The Fla. Star v. B.J.F.*, 491 U.S. 524, 538 (1989) (“[W]here the government itself provides information to the media, it is most appropriate to assume that the government had, but failed to utilize, far more limited means of guarding against dissemination than the extreme step of punishing truthful speech.”).

If you have any further questions, please do not hesitate to contact us.

Very truly yours,



Nic Marais

cc: Maria Shanle, Esq., Office of the General Counsel, University of California
Julie Conner, Esq., Office of Legal Affairs, University of California, Berkeley

Michelle M. Mitchell

From: Lisa Harris <Lisa.Harris@ucop.edu>
Sent: Friday, February 15, 2019 5:18 PM
To: Manny.Alvarez@post.ca.gov; Michelle M. Mitchell
Cc: Maria Shanle
Subject: California Public Records Act Request
Attachments: MS - POST and DOJ Response Re CPRA Request.pdf

Good afternoon Executive Director Alvarez and Deputy Attorney General Mitchell. Attached please find Senior Counsel, Maria Shanle's correspondence.

Lisa Harris
Legal Support Specialist
University of California, Office of the President
Office of the General Counsel
1111 Franklin Street, 8th Floor
Oakland, CA 94607
(510) 587-6404
Lisa.Harris@ucop.edu

UNIVERSITY
OF
CALIFORNIA **BOLDLY**
CALIFORNIAN

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
OFFICE OF THE GENERAL COUNSEL



1111 Franklin Street, 8th Floor • Oakland, California 94607-5200 • (510) 987-9800 • FAX (510) 987-9757

Charles F. Robinson
GENERAL COUNSEL AND VICE PRESIDENT - LEGAL AFFAIRS

Writer's direct line: (510) 987-9845
E-mail: maria.shanle@ucop.edu

February 15, 2019

Manual Alvarez, Jr.
Executive Director
Commission on Peace Officer
Standards and Training
860 Stillwater Road, Ste. 100
West Sacramento, CA 95605-1630
Manny.Alvarez@post.ca.gov

Michelle M. Mitchell
Deputy Attorney General
State of California
Department of Justice
1300 I Street, Ste. 125
Sacramento, CA 94244-2550
MichelleM.Mitchell@doj.ca.gov

Dear Mr. Alvarez and Ms. Mitchell:

I represent the University of California (the "University"). I am responding to your January 29, 2019 letters to Jason Paladino regarding a recent California Public Records Act request that Mr. Paladino submitted to the California Commission on Peace Officer Standards and Training ("POST").

Mr. Paladino is employed by the University as a Reporter with the University's Investigative Reporting Program ("IRP"), which is a program within UC Berkeley's Graduate School of Journalism. The IRP is dedicated to promoting and protecting the practice of investigative reporting, and provides UC Berkeley students with valuable practical experience in journalism.

On December 6, 2018, Mr. Paladino submitted a California Public Records Act request to POST in his role as a reporter and for journalistic purposes. Ensuing correspondence evidences POST's careful review and processing of the request:

- On December 7, 2018, POST acknowledged receipt of the CPRA request and stated that it required additional time to review the request.
- On December 17, 2018, POST responded that it was "still researching your California Public Records Act (CPRA) Request" and that it would "need additional time to review your request."

- A December 31, 2018 email from POST stated that POST was still processing the CPRA request and hoped to “be able to compile all of the responsive documents for you within 30 days.” The email thanked Mr. Paladino for “continued patience during this extensive process.”
- Finally, on January 8, 2019, POST’s Strategic Communications & Research Bureau produced “the January 2019 and Ten Year Felony Indicator reports ... for [his] review.” (the “Records”)

However, on January 29, 2019 your offices wrote to Mr. Paladino that POST had “inadvertently provided” the Records to IRP and asserted that the Records were “exempt from disclosure” under subdivision (k) of Government Code Section 6254. Your letters further assert that, by merely receiving these records, Mr. Paladino was guilty of a misdemeanor under Penal Code Section 11143. Your letters request that Mr. Paladino destroy the Records and certify such destruction.

Respectfully, it is the University’s view that Mr. Paladino is under no legal obligation to destroy or return the Records, and that his possession of the Records clearly is not a violation of Penal Code Section 11143.

First, the Records contain information that appears to be a summary of information available in public records, and has been requested for legitimate news reporting purposes. Given these circumstances, the records are not required to be returned or destroyed, even if the original provision of the Records to Mr. Paladino was inadvertent (though, as described below, we do not agree with all of your characterizations regarding inadvertent disclosure and relevant case law).

Second, as to the assertion that the production was inadvertent and, therefore, the Records must be destroyed, it does not appear that POST’s production of these records was “inadvertent” in the sense contemplated by relevant case law. POST spent about four weeks reviewing and processing Mr. Paladino’s request, and POST’s communications to Mr. Paladino refer to POST’s review and research of the request and the “extensive process” involved. When POST provided the Records, it acknowledged the nature of the Records in its cover email, noting that it had attached “the January 2019 and Ten Year Felony Indicator reports ... for your review.” The time required for review and POST’s statements indicate a careful process, not inadvertence.

The *Ardon* case cited in your letters holds that an agency does not waive attorney client privilege under Government Code section 6254(k) by inadvertently disclosing attorney-client privileged records. *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1189 [199 Cal.Rptr.3d 743, 366 P.3d 996].) The *Ardon* holding relies on two key facts: that the disclosure was inadvertent, and that the underlying records would have been privileged from disclosure under CPRA.

In this case, the disclosure does not appear to have been inadvertent and the underlying documents appear to contain only summaries of otherwise public information, such that the exemption from disclosure under Government Code section 6254 would not apply. The opinion in *Ardon* does not require return or destruction of the Records in this case.

Manual Alvarez, Jr.
Michelle M. Mitchell
February 15, 2019
Page 3

Finally, the University strongly disagrees with your assertion that Mr. Paladino's mere receipt or possession of the Records that POST provided him constitutes a misdemeanor. California Penal Code Section 11143 specifically does not apply to any "publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed..." See Cal. Penal Code § 11143; Cal Evid. Code § 1070. As noted above, Mr. Paladino is a reporter. In his original CPRA request, he clearly stated that he worked at the UC Berkeley Investigative Reporting Program. Indeed, he is employed by the University as a reporter working with UC Berkeley's Graduate School of Journalism as described above. To the extent Penal Code Section 11143 might otherwise apply in these circumstances—which is by no means clear, given that POST voluntarily turned these records over—it certainly does not apply to Mr. Paladino. *Cf. The Fla. Star v. B.J.F.*, 491 U.S. 524, 538 (1989) ("[W]here the government itself provides information to the media, it is most appropriate to assume that the government had, but failed to utilize, far more limited means of guarding against dissemination than the extreme step of punishing truthful speech.").

Perhaps a live conversation between our offices would be a helpful next step. The University respectfully disagrees with the assertions set forth in your letters, but we certainly are open to learning more about your positions on this matter and would welcome the opportunity to resolve our currently conflicting perspectives in a collaborative manner.

Sincerely,



Maria Shanle
Managing Counsel, Education Affairs,
Employment & Governance

cc: Liv Hassett, Associate Campus Counsel, UC Berkeley
Julie Conner, Deputy Campus Counsel, UC Berkeley
Nic Marais, Esq., Keker Van Nest & Peters

Michelle M. Mitchell

From: Tony Biasotti <tonybiasotti@gmail.com>
Sent: Wednesday, February 27, 2019 12:27 PM
To: Michelle M. Mitchell
Subject: media inquiry, re POST release of officers' criminal records

Ms. Mitchell,

I'm working on an article for Columbia Journalism Review about the data on law enforcement officers with criminal convictions that was recently provided by POST and reported on [here](#) in the East Bay Times. I saw your letter to the UC Berkeley investigative reporting program about that, and I have some questions for you. Are you available to talk within the next few days?

Thank you,
Tony Biasotti
805-794-7534

Michelle M. Mitchell

From: Megan Sato
Sent: Friday, January 11, 2019 2:38 PM
To: All-AGFresno; All-AGLosAngeles-Civil; All-AGLosAngeles-PBR; All-AGOakland-Civil; All-AGOakland-PBR; All-AGSacramento-Civil; All-AGSacramento-PBR; All-AGSanDiego-Civil; All-AGSanDiego-PBR; All-AGSanFrancisco-Civil; All-AGSanFrancisco-PBR
Subject: CLE Civil Procedure Update 2019
Attachments: Civil Procedure Class Flyer.docx

Hello Attorneys, Law Clerks, & Paralegals,

Registration is now open for the CLE class:

Civil Procedure Update 2019

CLE Credit: 2 hours

Leadership units: 2 hours

The class is scheduled for the following dates and locations:

- Wednesday, February 6, 2019: 9:30 – 11:45 (San Francisco)
- Wednesday, January 6, 2019: 1:00 – 3:15 (Oakland)
- Thursday, February 7, 2019: 9:30 – 11:45 (Sacramento)
- Tuesday, February 12, 2019: 9:30 – 11:45 (San Diego)
- Wednesday, February 13, 2019: 9:30 – 11:45 (Los Angeles)

Our annual Civil Procedure Update class will summarize the key California and federal civil procedure cases and statutory changes from 2018 that will affect your practice in the Attorney General's Office during 2019. This class should not be missed!

Please see the attached flyer for additional class and registration information.

Megan Sato

**California Department of Justice
Continuing Legal Education Program**

Civil Procedure Update 2019

For: Attorneys, Law Clerks, & Paralegals

CLE Credit: 2 hours

Leadership units: 2 hours

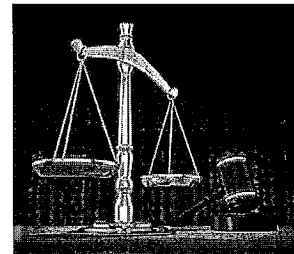
Dates and Times (each session includes one 15-minute break):

- **Wednesday, February 6, 2019: 9:30 – 11:45 (San Francisco)**
- **Wednesday, January 6, 2019: 1:00 – 3:15 (Oakland)**
- **Thursday, February 7, 2019: 9:30 – 11:45 (Sacramento)**
- **Tuesday, February 12, 2019: 9:30 – 11:45 (San Diego)**
- **Wednesday, February 13, 2019: 9:30 – 11:45 (Los Angeles)**

Check-In: 15 minutes before the start of class

Locations:

- **San Francisco – San Diego
Room (A, B & C)**
- **Oakland – Room 10**
- **Sacramento – Room 730**
- **San Diego – Room 1963**
- **Los Angeles – 5th Floor
Press Room**



Class information:

Our annual Civil Procedure Update class will summarize the key California and federal civil procedure cases and statutory changes from 2018 that will affect your practice in the Attorney General's Office during 2019. This class should not be missed!

You will learn about recent changes in civil procedure, including:

- **Federal and state procedure**
- **Procedure before, during, and after trial**
- **Discovery, motion practice, settlement, anti-SLAPP, and appeals**

Instructors are:

Christine Mersten is a Supervising Deputy Attorney General in the Employment & Administrative Mandate section in San Diego where she handles some of the most complex employment litigation defense cases for both DOJ and its clients. She has been in EAM almost her entire career in the AG's Office, which began in LA in 1993 and continued in Oakland in 1997 and San Diego in 1999. She served as the Continuing Legal Education Coordinator for OPD in 2005-2006 and helped create "Motions for Summary Judgment – A Practical View," "Written Discovery: Getting It, Giving It, Taking It," and "Evidence for the Litigator," among other CLE classes. She graduated from UC Hastings in 1990 and UC Berkeley in 1986, and "bleeds blue and gold."

Neah Huynh is a Supervising Deputy Attorney General in the Correctional Law Section (CLS) in San Francisco, specializing in prisoner civil rights actions and appeals. He has litigated cases and argued appeals for CLS since joining the office in 2006. He regularly advises CLS attorneys on developments in the case law regarding civil procedure. He received his law degree from Lewis and Clark Law School. Of course civil procedure was his favorite class, so much so that he taught the subject as a student tutor during law school.

Registration:

Send an email to OPD@doj.ca.gov and provide the following information:

- Name and Classification
- Division and Section
- Supervisor's Name
- Unit Billing Code
- Telephone Number
- Course Name, Date(s), Location

If you have any special equipment requirements or questions, contact OPD:

E-mail: OPD@doj.ca.gov

Phone: (916) 210-7581

Address: OPD Class Registration

P.O. Box 944255

Sacramento, CA 94244-2550.

Michelle M. Mitchell

From: General Court News for the Northern District of California <CAND-NEWS@nyed.uscourts.gov> on behalf of Northern District Public Outreach <Lynn_Fuller@CAND.USCOURTS.GOV>
Sent: Wednesday, January 09, 2019 5:42 PM
To: CAND-NEWS@NYED.USCOURTS.GOV
Subject: Invitation to BASF Program January 24, 2019: The Modern Special Counsel—Witch Hunters or Guardians of Democracy?

The Bar Association of San Francisco's Criminal law Section presents

**The Modern Special Counsel:
Witch Hunters or Guardians of Democracy?**

Speakers

Leslie R. Caldwell
Partner, Latham & Watkins LLP
Former Assistant Attorney General, Criminal Division

K.C. Maxwell
Maxwell Law PC
Represented I. Lewis “Scooter” Libby in the Plame Special Counsel matter

Scott Schools
Chief Compliance & Ethics Officer, Uber
Former Associate Deputy Attorney General

Professor Rory K. Little
U.C. Hastings College of the Law
Former Associate Deputy Attorney General

Moderator

Honorable Charles R Breyer
Senior United States District Judge
United States District Court / Northern District of California

TOPICS

- Do Special Counsels inevitably overreach?
- Are Special Counsels a proper check on executive power?
- Are Special Counsels in the public interest; do they advance or slow democratic governance?

PROGRAM DETAILS

LOCATION: Thelton E. Henderson Ceremonial Courtroom, 19th Floor
450 Golden Gate Ave., San Francisco, CA 94102

DATE: Thursday, January 24, 2019

TIME: Reception: 5:00-5:30 p.m.
Program: 5:30-7:30 p.m.

MCLE: 1.5 hours

COST: \$30 BASF Section Members, Government & Nonprofit Attorneys / \$40 BASF Members / \$55
Others / Free for students and law clerks

HOW TO REGISTER:

RSVP is required, including for students and law clerks. Registration details are on BASF's website at this link: www.sfbar.org/calendar

Please note that it is not possible to register by replying to this email.

EMAIL LIST SUBSCRIBE/UNSUBSCRIBE

Most registered users in the Northern District's ECF system are automatically subscribed to both the CAND-NEWS and CAND-ECF email lists. To subscribe or unsubscribe, please follow the instructions on the court's [mailing lists page](#).

From: The Recorder News Update
To: Michelle M. Mitchell
Subject: With Days Left in Office, Brown Fills Last 12 Open Trial Court Seats
Date: Thursday, January 03, 2019 6:01:12 AM

View in Browser



The Recorder News Update

Jan 03, 2019

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A MESSAGE FROM THE EDITOR

8 years, about 600 judges, and a very different looking trial bench in California. That's been Governor Jerry Brown's legal legacy. Brown has increased the numbers of women and minorities serving on the Golden State's judiciary. A look at his latest, and last, batch of appointments leads this morning's headlines. Check back for a more thorough breakdown of Brown's judicial picks in the coming days.



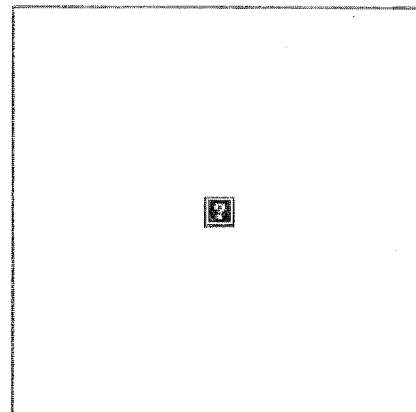
– Ross Todd, Bureau chief, The Recorder

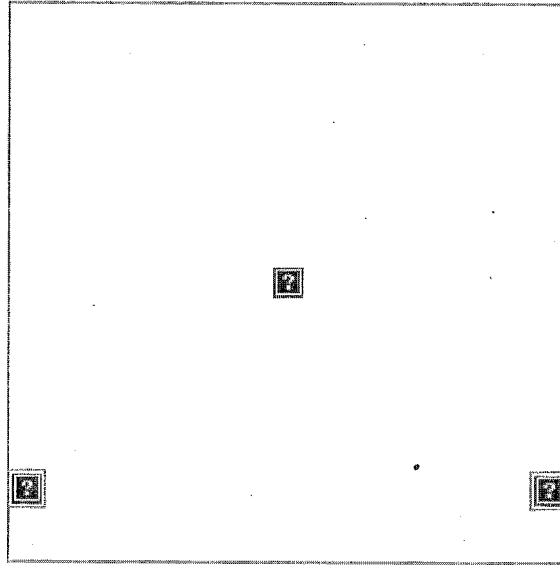
JUDGES | NEWS

With Days Left in Office, Brown Fills Last 12 Open Trial Court Seats

By Cheryl Miller

Like many of the approximately 600 judicial appointments Brown has made over the last eight years, the latest batch... [Read More](#)



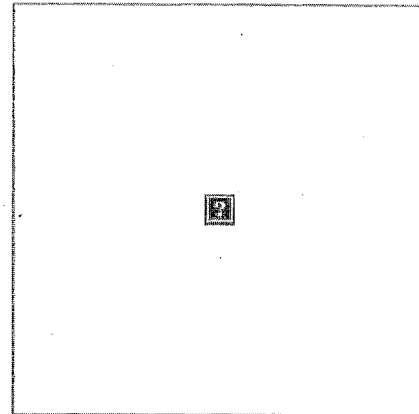


SLIDESHOW

Tech Issues You Need to Watch in 2019

By Ian Lopez

From Section 230 spats to berserk bots, these are some of the challenges technology may pose to legal in the year ahead. [**Read More**](#)

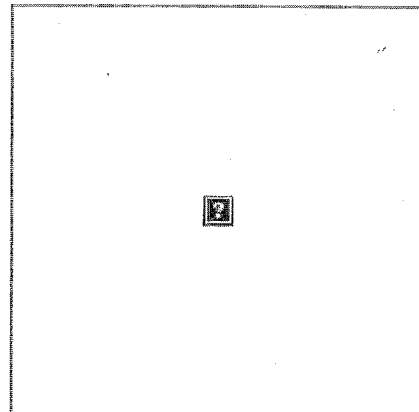


LAW FIRM MANAGEMENT | NEWS

Law Firm Mergers Were Red Hot in 2018, With No Slowdown in Sight

By Dan Packel

Last year's tally of 72 completed mergers was the highest since 2001, according to Fairfax Associates. [**Read More**](#)



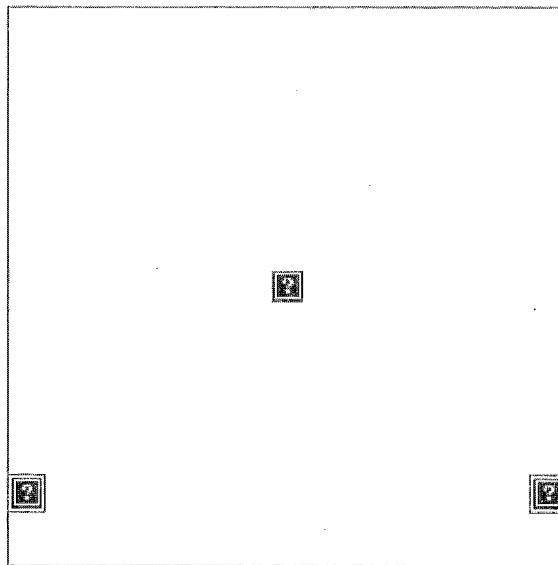
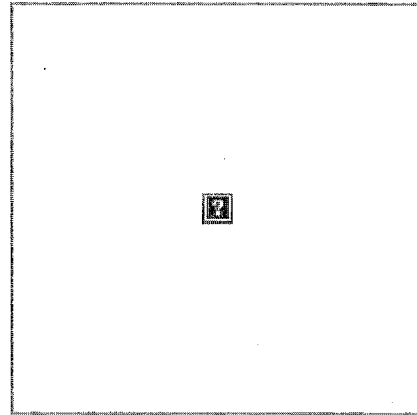
EMPLOYMENT LAW | EXPERT OPINION

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Firms

By Shari Klevens and Alanna Clair

As the problem of sexual harassment and discrimination in the workplace has again come to the forefront in recent years,... [**Read More**](#)

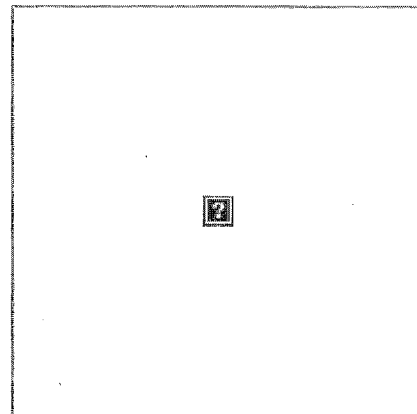


LITIGATION | NEWS

9th Circuit Orders Fresh Look at Alleged Government Misconduct in 'No Fly List' Case

By Ellis Kim

The U.S. Court of Appeals for the Ninth Circuit, sitting en banc, lambasted the government's conduct in the case of... [**Read More**](#)

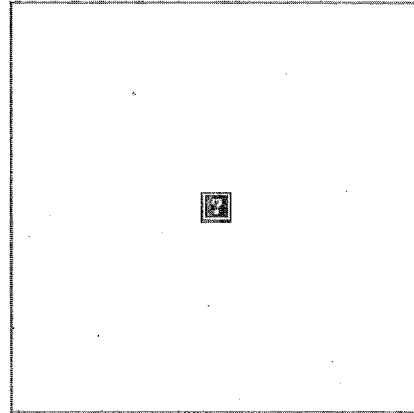


INTELLECTUAL PROPERTY | NEWS

Sheppard Mullin IP Honchos Take Standard-Essential Patent Battle to IoT, Automotive Disputes

By Scott Graham

Developer of auto navigation modules sues IP powerhouse InterDigital, accuses it of using customer threats to extract... [Read More](#)

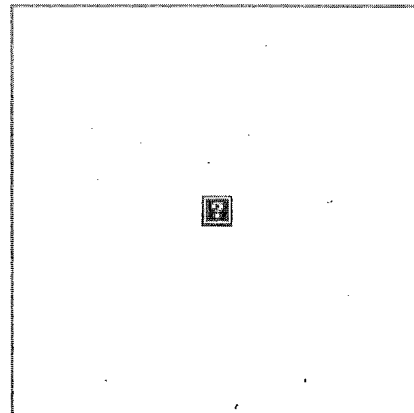


LAW FIRM COMPETITION | NEWS

Baker & Hostetler Adds LA Leader From Winston, Vowing West Coast Expansion

By Roy Strom

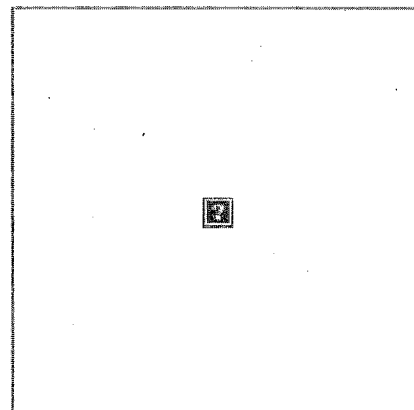
The firm says it will make a "significant investment" in the West Coast in 2019, as its New York office has seen more... [Read More](#)



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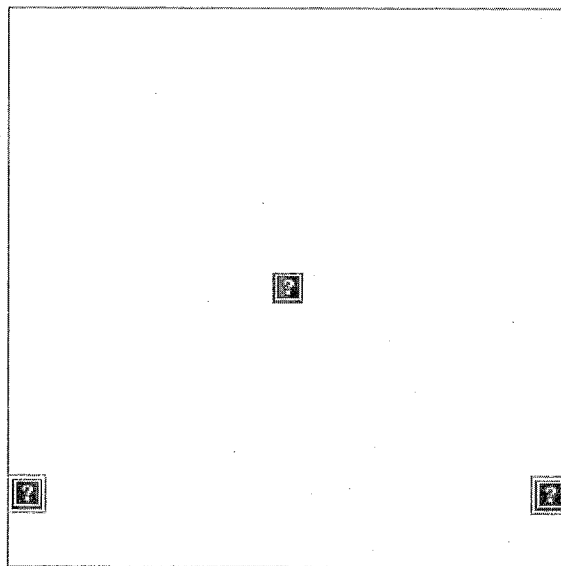
New York Law Journal

Here are three P&C insurance industry phenomenons that iwill happeni in 2019 otherwise known as the year of 'Big'. [Read More](#)

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It's a good time of year to learn from the best. [Read More](#)



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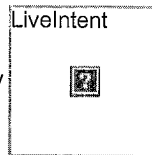
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From: [The Recorder News Update](#)
To: [Michelle M. Mitchell](#)
Subject: Law Firms Are Reimagining Origination Credit
Date: Monday, January 07, 2019 7:04:30 AM

View in Browser



The Recorder News Update

Jan 07, 2019

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A MESSAGE FROM THE EDITOR

Today let's dig into a couple of touchy law firm topics: Origination credit and laterals. Seems like one sometimes drives the other, no? Dan Packel has a look at how some firms are trying to build collaboration and client service into their origination credit models. And Roy Strom takes a look at the hot lateral partner market in Big Law in 2018 and asks whether it can continue this year.



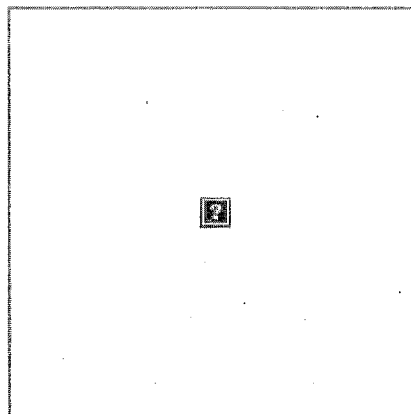
– Ross Todd, Bureau chief, The Recorder

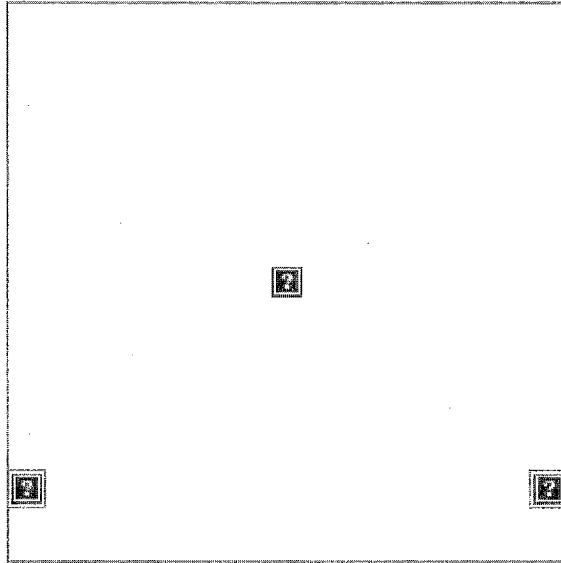
LAWYER COMPENSATION - LAW FIRM | NEWS

Law Firms Are Reimagining Origination Credit

By Dan Packel

As firms balance client service and talent retention, many are reassessing their credit systems, looking for ways to... [Read More](#)



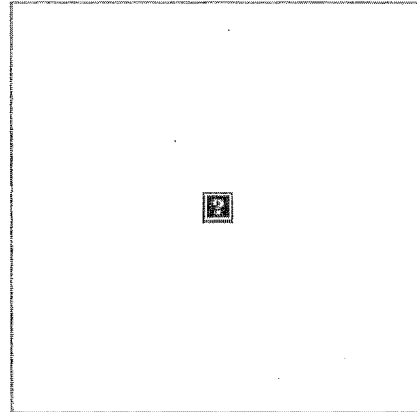


LAWYER COMPENSATION - GENERAL | ANALYSIS

After a Banner Year for Law Firm Moves, What's in Store for 2019?

By Roy Strom

The continued Big Law free agent era will have consequences for top- and mid-tier firms alike in 2019. [**Read More**](#)

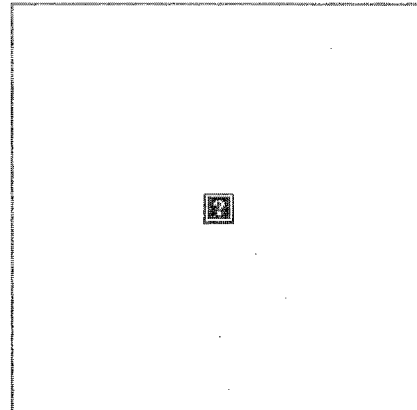


LAW FIRM HIRING | QUICK TAKES

On the Move: Tracking the Ins and Outs of California Lawyers

By Pearl Wu

Tracking lawyer moves and partner promotions across the California legal market. [**Read More**](#)



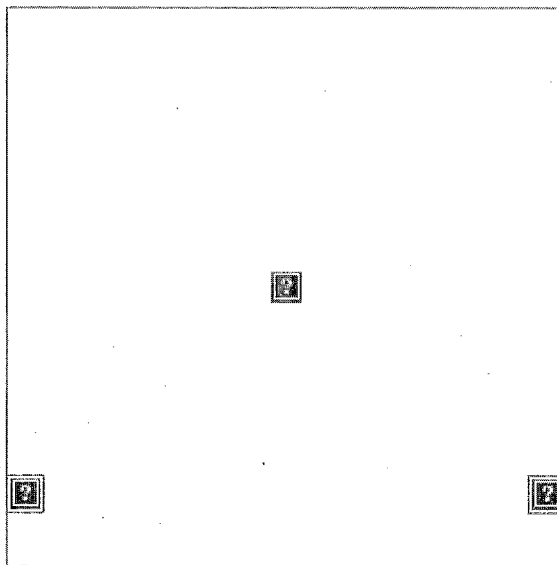
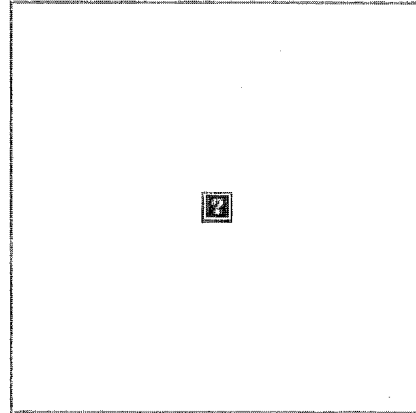
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Court Finds Flaws With 'Overlapping and Conflicting' Role of Title IX Investigator at

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By Ross Todd

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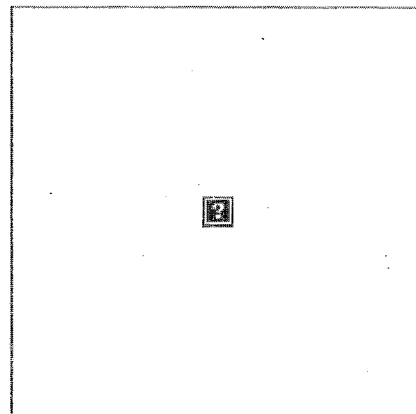


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Supreme Court to Review Patent Office Ban on Vulgar Trademarks

By Scott Graham

Eighteen months after ruling a statutory ban on "disparaging" marks unconstitutional, the justices will address a related... [Read More](#)

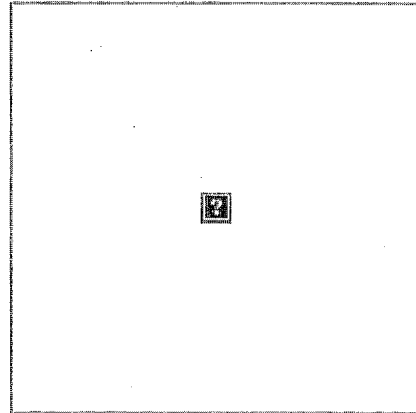


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By Xiumei Dong

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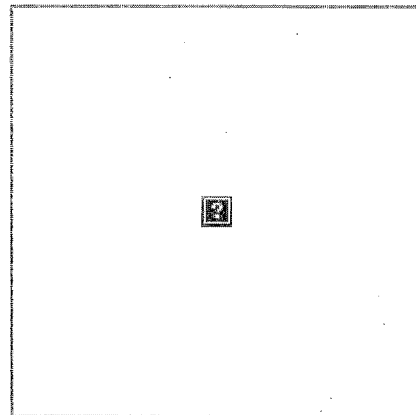


ENVIRONMENTAL LAW | NEWS

Chhabria Blesses Monsanto's Move to Bifurcate Upcoming Roundup Trials

By Amanda Bronstad

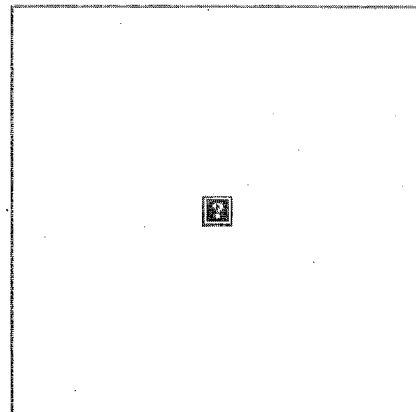
In an unusual move, U.S. District Judge Vince Chhabria in San Francisco bifurcated the first bellwether trials in the... [Read More](#)



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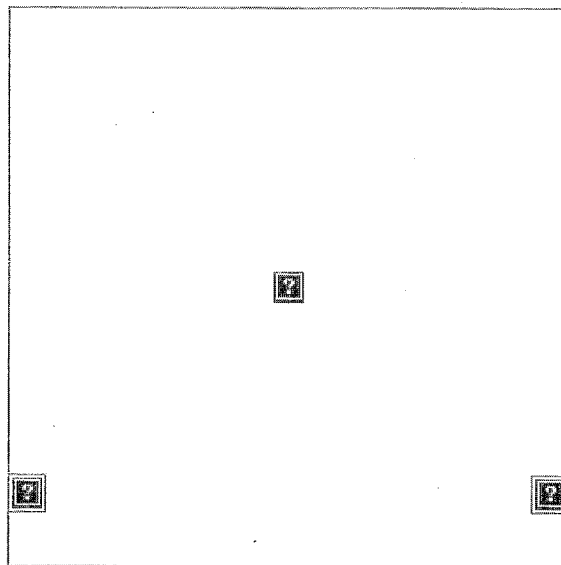
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The plaintiffs have been unable to live in the home since remodeling was halted in 2016 when a cracked century-old sewer... [**Read More**](#)

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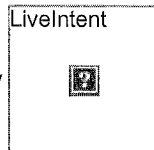
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Michelle M. Mitchell

From: Nancy Doig
Sent: Friday, January 18, 2019 10:12 AM
To: Michelle M. Mitchell
Subject: FW: Upcoming transition

From: Ryan McCarroll
Sent: Friday, January 18, 2019 10:10 AM
To: Nancy Doig <Nancy.Doig@doj.ca.gov>
Subject: FW: Upcoming transition

From: Michael Farrell
Sent: Friday, January 18, 2019 10:05 AM
To: Alexa Choi <Alexa.Choi@doj.ca.gov>; Amanda Cary <Amanda.Cary@doj.ca.gov>; Angelo Edralin <Angelo.Edralin@doj.ca.gov>; Annette Phillips <Annette.Phillips@doj.ca.gov>; Barton Bowers <Barton.Bowers@doj.ca.gov>; Brian R. Means <Brian.Means@doj.ca.gov>; Brook Bennigson <Brook.Bennigson@doj.ca.gov>; Cameron Goodman <Cameron.Goodman@doj.ca.gov>; Carlos Martinez <Carlos.Martinez@doj.ca.gov>; Catherine Chatman <Catherine.Chatman@doj.ca.gov>; Catherine TennantNieto <Catherine.TennantNieto@doj.ca.gov>; Cavan Cox <Cavan.Cox@doj.ca.gov>; Christina Simpson <Christina.Simpson@doj.ca.gov>; Christopher Rench <Christopher.Rench@doj.ca.gov>; Clara Levers <Clara.Levers@doj.ca.gov>; Cliff Zall <Cliff.Zall@doj.ca.gov>; Craig Meyers <Craig.Meyers@doj.ca.gov>; Daniel Bernstein <Daniel.Bernstein@doj.ca.gov>; Darren Indermill <Darren.Indermill@doj.ca.gov>; David Eldridge <David.Eldridge@doj.ca.gov>; David Lowe <David.Lowe@doj.ca.gov>; Dawn Stott <Dawn.Stott@doj.ca.gov>; Dina Petrushenko <Dina.Petrushenko@doj.ca.gov>; Donise Smitham <Donise.Smitham@doj.ca.gov>; Doris Calandra <Doris.Calandra@doj.ca.gov>; Eric Christoffersen <Eric.Christoffersen@doj.ca.gov>; Erin Doering <Erin.Doering@doj.ca.gov>; Sally Espinoza <Sally.Espinoza@doj.ca.gov>; Caely Fallini <Caely.Fallini@doj.ca.gov>; Max Feinstat <Max.Feinstat@doj.ca.gov>; Galen Farris <Galen.Farris@doj.ca.gov>; George Hendrickson <George.Hendrickson@doj.ca.gov>; Harry Colombo <Harry.Colombo@doj.ca.gov>; Heather Gimle <Heather.Gimle@doj.ca.gov>; Henry Valle <Henry.Valle@doj.ca.gov>; Ian Whitney <Ian.Whitney@doj.ca.gov>; Ivan Marrs <Ivan.Marrs@doj.ca.gov>; Jamie Scheidegger <Jamie.Scheidegger@doj.ca.gov>; Janet Neeley <Janet.Neeley@doj.ca.gov>; Jeff White <Jeff.White@doj.ca.gov>; Jeffrey Firestone <Jeffrey.Firestone@doj.ca.gov>; Jennifer Oleksa <Jennifer.Oleksa@doj.ca.gov>; Jennifer Poe <Jennifer.Poe@doj.ca.gov>; Jesse Witt <Jesse.Witt@doj.ca.gov>; Jessica Leal <Jessica.Leal@doj.ca.gov>; Julie Hokans <Julie.Hokans@doj.ca.gov>; Justain Riley <Justain.Riley@doj.ca.gov>; Kari Mueller <Kari.Mueller@doj.ca.gov>; Kathryn Althizer <Kathryn.Altizer@doj.ca.gov>; Kathy McKenna <Kathy.McKenna@doj.ca.gov>; Kay Lauterbach <Kay.Lauterbach@doj.ca.gov>; Keith Sager <Keith.Sager@doj.ca.gov>; Kelly E. Lebel <Kelly.Lebel@doj.ca.gov>; Kenneth Sokoler <Kenneth.Sokoler@doj.ca.gov>; Kimberley Donohue <Kimberley.Donohue@doj.ca.gov>; Lewis Martinez <Lewis.Martinez@doj.ca.gov>; Lisette Olivar <Lisette.Olivar@doj.ca.gov>; Louis Vasquez <Louis.Vasquez@doj.ca.gov>; Marcia Fay <Marcia.Fay@doj.ca.gov>; Marlene Aprile <Marlene.Aprile@doj.ca.gov>; Matt Chen <Matt.Chen@doj.ca.gov>; Matthew Kearney <Matthew.Kearney@doj.ca.gov>; Melissa Lipon <Melissa.Lipon@doj.ca.gov>; Michael Canzoneri <Michael.Canzoneri@doj.ca.gov>; Michael Dolida <Michael.Dolida@doj.ca.gov>; Michelle Rubio <Michelle.Rubio@doj.ca.gov>; Nirav Desai <Nirav.Desai@doj.ca.gov>; Paul O'Connor <Paul.OConnor@doj.ca.gov>; Peter Smith <Peter.Smith@doj.ca.gov>; John Powell <John.Powell@doj.ca.gov>; Kevin Quade <Kevin.Quade@doj.ca.gov>; Rachelle Newcomb <Rachelle.Newcomb@doj.ca.gov>; Robert Gezi <Robert.Gezi@doj.ca.gov>; Robert Nash <Robert.Nash@doj.ca.gov>; Ross Naughton <Ross.Naughton@doj.ca.gov>; Ryan McCarroll

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Subject: FW: Upcoming transition

From Solicitor General Ed DuMont:

From: Edward DuMont
Sent: Friday, January 18, 2019 8:30 AM
To: Angela Sierra <Angela.Sierra@doj.ca.gov>; Jonathan Wolff <Jon.Wolff@doj.ca.gov>; Gerald Engler
<Gerald.Engler@doj.ca.gov>
Cc: Antonette Cordero <Antonette.Cordero@doj.ca.gov>; Laura Stuber <Laura.Stuber@doj.ca.gov>
Subject: Upcoming transition

Angela, Jon, and Jerry -

As I have discussed with each of you, January 6 marked the beginning of my sixth year at DOJ. I am proud of the work we have done together to make an expanded OSG an integral part of the Department. And I am very grateful for the support that each of you has provided in that endeavor, and for the strong working relationships we have built.

Given all the important work we are doing together, and more that will surely be coming, as a professional matter this is not a moment I would pick to make a change. We all, though, have personal lives that intersect with our professional ones in complex ways. Since joining DOJ I have continued to live a bi-coastal life, balancing a more-than-fulltime job here with a house and partner in Washington, D.C. No matter how gratifying the professional side of that balance has been (and remains), after five years the personal side has become unsustainable.

I recently let Antonette, Sean, and the AG know that I need to make a transition this year. Sean has asked Laura Stuber to coordinate a nationwide search for a replacement, and I expect that the public announcement of the opening will be made shortly. I have no particular deadline for leaving, and I look forward to participating in the search and selection process and to remaining on the job as long as is desirable to ensure a smooth transition. In the meantime, I also look forward to continuing our work together.

While I would like to talk personally with all the SAAGs as well, logistics make it impractical for me to reach everyone before any public announcement is made. I would therefore be grateful if you could forward this email to your SAAGs so that they can all hear about this from us first.

Ed

Edward C. DuMont ***Note new phone number***
Solicitor General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-3914
edward.dumont@doj.ca.gov